

Remarks

Claims 1-26 are all the claims pending in the application. Claims 1-2, 4, 7, 9-10, and 13 have been amended to define more clearly the claimed invention. It is believed and intended that no new matter has been added by this amendment. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

I. Preliminary matters

The Applicant gratefully acknowledges the Examiner's indication of receipt of the Information Disclosure Statement filed October 15, 2003. In addition, the Applicant is grateful for the Examiner's approval of the drawings filed October 15, 2003.

Claim 7 has been amended to correct a minor typographical error.

II. Claim rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 3, and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,407,497 issued October 4, 1983 to Geysa Gracie (hereafter referenced as '497). It is respectfully submitted that this rejection is overcome by the present amendment of claim 1.

As amended, claim 1 recites a bra which is to be worn by a woman during exercise. The bra includes a front portion which is designed to provide support for the woman's breasts during exercise. The bra also includes a rear portion which is designed to extend across the woman's back. One or more pockets may be formed in the front and/or rear portion of the bra. One or more weights may be disposed in the pocket or pockets to provide resistance which must be overcome by the woman

during exercise. A releasable fastener may be utilized to connect the weight or weights with the bra (Page 1, lines 13-22.).

The '497 patent discloses a weighted exercise suit designed to enable human users to exercise with added weights removably attached to a body suit. The suit incorporates two weight strips that are removably attached to the suit over the shoulders. Each strip contains separate compartments which hold weights, the amount of which is regulated by the user (Col. 3, lines 15-23). The compartments may have a flap which may be opened and closed for the purpose of inserting and withdrawing weights (Col. 4, lines 26-28).

The '497 patent does not teach, show, disclose, or suggest a releasable fastener which secures the weight inside the pocket, as presently claimed. Though the '497 patent compartments are optionally adapted to removably hold the weights, no structure is provided which secures the weight inside the pocket and the '497 patent weights are not prevented from motion inside the pocket. Therefore, '497 patent does not anticipate amended claim 1 under 35 U.S.C. § 102(b) and the Examiner's rejection should be withdrawn.

Since claims 3 and 6 are dependent upon claim 1, these claims are patentable at least by virtue of their dependency, and allowance of claims 1, 3, and 6 is respectfully requested.

III. Allowable subject matter

The Applicant gratefully acknowledges the Examiner's indication that claims 2, 4, 5, and 7-26 contain allowable subject matter. The Applicant respectfully requests postponement of the Examiner's requirement that claims 2, 4,

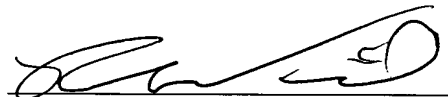
5, and 7-13 be rewritten in independent form until such time as the Examiner has reviewed and commented upon the present amendments and remarks.

IV. Conclusion

In view of the foregoing, reconsideration and allowance of this application are believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 20-0090. Please also credit any overpayments to this Deposit Account.

Respectfully submitted,



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